IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3950 of 2005

Between:

Papineni Ramulu, S/o.Narayana,
R/o.11-2-78, Ashoknagar (the then Mallaram),

Samithi Singaram Gramapanchayat, Manuguru Mandal,
Khammam District.

..... PETITIONER

AND

1. The Village Secretary, Samithi Singaram Grampanchayat

(the then Manuguru Gram Panchayat), Manugur, Manuguru

Mandal, Khammam District.
2 The Village Secretary, Manuguru Major Grampanchayat,

Manugur, Manuguru Mandal, Khammam District.
3 The Divisional Level Panchayat Officer, Kothagudem,

Khammam District.
4 The District Panchayat Officer, Office of the District Collector,

Khammam.
5 Katla Ravinder Reddy, S/o. Veera Reddy,
Samithi Singaram Gramapanchayat, Manuguru Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue appropriate writ, directions, orders and more particularly in nature of writ of Mandamus declaring that the acts, deeds and things of the respondents 1 to 4 in mutating the name of the 5th respondent for the petitioner's house bearing No.11-2-78, Ashoknagar (the then Mallaram), Samithi Singaram Gramapanchayat, Manuguru Mandal, Khammam District is illegal, arbitrary, ab-initio void, against to the principles of natural justice and much against to the legal and fundamental rights guaranteed under the Constitution of India and consequently direct the respondents 1 to 4 to rectify their records by canceling the proceedings of mutation in the name of the 5th respondent incorporate the petitioner's name as owner of petitioner's house property, and to pass such other order or orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case and in the interest of justice, equity and good conscience as otherwise the petitioner shall be put to grave and inexplicable hardship and injury.

For the Petitioner: Mr.Palivela Satyaraja Babu, Advocate.

For Respondent Nos.1 and 2: Smt. Jyothi Eswar Gogineni, Standing Counsel.

For Respondents 3 and 4: Government Pleader for Gram Panchayat.

For Respodnent No. 5: Mr. Hari Sreedhar, Advocate.

The Court at the admission stage made the following :

ORDER: (per Sri B. Sudershan Reddy, J)

There appears to be a serious dispute between the petitioner and the 5th respondent in respect of the house bearing No. 11-2-78 situated at Ashok Nagar, Samithi Singaram Gram Panchayat, Manuguru Mandal. It also appears that the Gram Panchayat is collecting the property tax in respect of the said house from the 5th respondent. The petitioner who asserts right, title and interest in the said house intends to pay the property tax in respect of the said house. The gravamen of the complaint in the instant writ petition is that the Gram Panchayat is not accepting the property tax paid by the petitioner herein without any reason or justification. The petitioner in the circumstances approached the Divisional Panchayat Officer, Kothagudem who by proceedings
dated 06-01-2005 directed the Secretary, Samithi Singaram Gram Panchayat to receive the arrears of house tax from the petitioner and issue a receipt for the same and accordingly informed the District Panchayat Officer, Khammam and Divisional Panchayat Officer, Kothagudem.

We do not find any reason or justification on the part of the Gram Panchayat in not receiving the property tax from the petitioner herein in respect of the house bearing No. 11-2-78, Ashoknagar, Samithi Singaram Gram Panchayat. In the circumstances, there shall be a direction to the respondent - Gram Panchayat to comply with the order passed by the Divisional Panchayat Officer dated 06-01-2005 and accept the payment of property tax by the petitioner and issue a receipt therefor. We, however, make it clear that payment of property tax and receipt of the same by the Gram Panchayat itself shall not confer any additional right, title and interest in the property in favour of the petitioner nor would it adversely affect the claim and right, title and interest in the property by the 5th respondent. This payment of property tax shall have no bearing whatsoever upon the civil disputes, if any, pending between the petitioner and the 5th respondent.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

12-04-2005

(C.V. Ramulu, J)

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Note: Furnish Copy within three days.

B/O

To

1. The Village Secretary, Samithi Singaram Grampanchayat

(the then Manuguru Gram Panchayat), Manugur, Manuguru

Mandal, Khammam District.

2 The Village Secretary, Manuguru Major Grampanchayat,

Manugur, Manuguru Mandal, Khammam District.

3 The Divisional Level Panchayat Officer, Kothagudem,

Khammam District.

4 The District Panchayat Officer, Office of the District Collector, Khammam.

5. Two CCs to the Government Pleader for Gram Panchayat, High Court of Andhra Pradesh, Hyderabad (OUT).

6. Two CD copies.